

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN DOE #1, an individual; JOHN DOE  
#2, an individual; and PROTECT  
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State of Washington and  
BRENDA GALARZA, in her official  
capacity as Public Records Officer for the  
Secretary of State of Washington,

Defendant.

No. C:09-cv-05456 BHS

DECLARATION OF MONA SMITH  
IN SUPPORT OF MOTION TO  
INTERVENE AND IN SUPPORT OF  
WFST'S BRIEF

I, Mona Smith, declare:

1. I am an attorney licensed to practice in Washington, California and  
Massachusetts. I have been practicing for 25 years. I have personal knowledge of the facts set  
forth in this declaration and am competent to testify thereto.

2. I volunteered on behalf of Washington Families Standing Together ("WFST") to  
observe the Secretary of State ("SOS") verify signatures on the petitions for Referendum 71, a  
referendum brought by a group called Protect Marriage Washington ("PMW") seeking to place  
Engrossed Second Substitute Senate Bill 5688 ("the Act") on the general election ballot.

DECLARATION OF MONA SMITH (NO. C:09-  
CV-05456 BHS) – 1

71718-0001/LEGAL16817013.1

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1           3. I am a member of WFST, and am the Board President of one of its member  
2 organizations. WFST represents a coalition of more than one thousand organizations and  
3 individuals dedicated to ensuring that Washington State's domestic partnership law remains in  
4 effect.  
5  
6

7  
8  
9           4. I served as one of the lead observers for WFST during the signature verification  
10 process for Referendum 71 in Olympia, Washington. In this capacity, I supervised our team of  
11 observers and collected reports and data from them. I was present as an observer and supervisor  
12 on most days until August 18th, and again from August 27th-28th, from the beginning of the  
13 process until and including today, typically from 8:30 a.m. until 4:30 p.m. I observed the initial  
14 checkers, "master" checkers (who provide an additional level of review for rejected signatures),  
15 and SOS supervisor while present during the signature verification process. As an observer, I  
16 was instructed that I could witness the signature verification process and convey concerns to an  
17 SOS supervisor, but could not talk to signature checkers.  
18  
19  
20  
21  
22  
23  
24  
25  
26

27           5. After sorting and organizing the petitions into volumes, the SOS began the  
28 process of verifying the signatures on July 31, 2009. To verify a signature, a checker would use  
29 his or her computer terminal to locate a voter in the statewide voter registration database and  
30 accept or reject the petition signature based on applicable standards.  
31  
32  
33  
34

35           6. Master checkers review the initial determination for each rejected signature. If a  
36 master checker locates a voter in the voter registration database whose signature was originally  
37 rejected, and determines that the signature on the petition matches the signature on the voter  
38 registration record, the signature is rehabilitated and added to the count of accepted signatures.  
39  
40  
41  
42

43 *See also*

44 <http://wei.secstate.wa.gov/osos/en/initiativesReferenda/Pages/R71FrequentlyAskedQuestions.aspx>.  
45  
46

47           7. During the observation process, we observed checkers and master checkers count  
48 what we observed to have been invalid signatures on many occasions. We collected these  
49  
50  
51

1 instances by noting the volume, line and page number of the signature at issue (we are not  
2 allowed to record names and other identifying information).  
3

4  
5 8. We asked the SOS to re-examine 222 signatures at one point in the verification  
6 process. When those 222 signatures were re-examined, the SOS rejected 29 (13%) of them.  
7

8  
9 9. We later asked the SOS to re-examine additional signatures we believed were  
10 erroneously included in the count of valid signatures, but these requests were denied.  
11  
12  
13  
14

15 **I declare under penalty of perjury under the laws of the State**  
16 **of Washington that the foregoing is true and correct.**  
17  
18

19  
20 EXECUTED at Seattle, Washington, this 27th day of August, 2009.  
21  
22

23  
24   
25 \_\_\_\_\_  
26 MONA SMITH  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51